

Atty. Docket No.: 10004.1010

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 31, 2004. As indicated above, Applicants have petitioned for a 2-month extension of time (and paid the appropriate fee). Upon entry of the amendments in this response, claims 1 - 14 and 16 - 23 are pending. Specifically, Applicants amended claim 11 as indicated above, and canceled claim 15 without prejudice, waiver, or disclaimer. Applicants respectfully request that the application and presently-pending claims be reconsidered and allowed.

I. Allowable Subject Matter: Claims 1 - 10

Applicants acknowledge with appreciation the indication in the Office Action that claims 1 - 10 are allowable. As detailed below, however, Applicants respectfully submit that claims 11 - 14 and 16 - 23 are also patentable over the cited art. Therefore, Applicants respectfully request that all claims be allowed.

II. Claims 11 - 15 and 17 are Patentable Over U.S. Patent No. 5,326,175 in View of U.S. Patent No. 4,724,791

The Office Action rejects claims 11 - 15 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,326,175 to Carter ("the '175 patent") in view of U.S. Patent No. 4,724,791 to McSorley ("the '791 patent"). Applicants respectfully submit that this rejection is improper for at least the reason that the Office Action fails to establish a prima facie case of obviousness because, even assuming for the sake of argument that a proper suggestion or motivation to combine has been established (which Applicants do not concede), the combined teachings of the '175 patent and the '791 patent do not teach all of the claim limitations.

Independent claim 11 recites a storage device for removably attaching to structures on a boat and for storing items. The storage device of claim 11 recites the

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limitation/feature/element of "at least one pocket member *comprising a portion of the support member which is folded and attached to the support member to define a pocket.*"

The claimed pocket is formed by folding a portion of the support member and attaching it to the support member." In this manner, the pocket member may be easily formed from the same piece of fabric comprising the support member and, thereby, reduce material costs, labor costs, *etc.*

Applicants respectfully submit that this feature/limitation/element is not disclosed, taught, or suggested by the '175 patent and the '791 patent. The '175 patent discloses a debris/storage bag that attaches with straps connected to at least two different sides of the bag. Unlike the storage device of claim 11, the pocket member of the debris/storage bag of the '175 patent does not comprise a portion of the support member which is folded and attached to the support member to define the pocket. Rather, the debris/storage bag of the '175 patent is manufactured *from two pieces* of material that are secured together on three sides forming a pocket. Col. 2, ll. 18 - 20. Therefore, the pocket member is *NOT formed from the support member* (and CANNOT possibly be formed from the support member) because two separate pieces of material are used. Furthermore, the '791 patent does not correct this deficiency because it also fails to disclose, teach, or suggest this feature/limitation/element.

Therefore, Applicants respectfully submit that independent claim 11 is patentable over the '175 patent and the '791 patent for at least the reason that the references fail to disclose, teach, or suggest these limitations/features/elements. Dependent claims 12 - 14 and 17 (which depend from independent claim 11) are also patentable over the '175 patent and the '791 patent for at least the reason that these claims include all of the features/limitations/elements of the corresponding base claim. Accordingly, Applicants

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respectfully request that the rejection of claims 11 - 14 and 17 be withdrawn and the claims be allowed.

III. Claims 16 and 18 are Patentable Over U.S. Patent No. 5,326,175 in View of U.S. Patent No. 4,724,791 and Further in View of U.S. Patent No. 4,901,899

The Office Action rejects claims 16 and 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over the '175 patent in view of the '791 patent and further in view of U.S. Patent No. 4,901,899 to Barrett ("the '899 patent"). Applicants respectfully submit that dependent claims 16 and 18 (which depend from independent claim 11) are patentable over these references for at least the reasons discussed above. The '175 patent and the '791 patent fail to disclose, teach, or suggest the limitations/features/elements discussed above in Section II. The '899 patent does not correct this deficiency because it also fails to disclose, teach, or suggest the limitation/feature/element of "at least one pocket member *comprising a portion of the support member which is folded and attached to the support member to define a pocket.*" Therefore, the cited references fail to disclose, teach, or suggest all of the claimed features/elements/limitations of independent 11, from which dependent claims 16 and 18 depend. For at least this reason, dependent claims 16 and 18 are patentable over the cited references. Accordingly Applicants respectfully request that the rejection be withdrawn and claims 16 and 18 be allowed.

IV. Claims 19 - 23 are Patentable Over U.S. Patent No. in View of U.S. Patent No.

The Office Action rejects claims 19 - 23 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Serial No. 2003/0089294 by Biemiller ("the '294 application") in view of the '899 patent. Applicants respectfully submit that this rejection is improper for at least the reason that the Office Action fails to establish a prima facie case of obviousness because, even assuming for the sake of argument that a proper suggestion or

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motivation to combine has been established (which Applicants do not concede), the combined teachings of the '294 application and the '899 patent do not teach all of the claim limitations.

Independent claim 19 recites a storage device for removably attaching to a t-top on a boat and for storing items. The storage device of claim 19 recites the limitation/feature/element of "a plurality of straps *attached to the bottom portion of the frame.*" By attaching the straps to the bottom portion of the frame, they provide support from underneath the frame when it is attached to a t-top on a boat.

Applicants respectfully submit that this feature/limitation/element is not disclosed, taught, or suggested by the '294 application and the '899 patent. The '294 application discloses an apparatus (10) for storing floatation devices on a boat by attaching an enclosure to the t-top of the boat via a plurality of straps (82). Unlike the storage device of claim 19, however, the straps (82) of the '294 application are NOT attached to the *bottom portion* of the frame to provide support from underneath the frame. Rather, the straps (82) of the apparatus (10) are attached to the *upper wall* (26) of the apparatus (10). Therefore, the straps (82) of the '294 application do NOT provide support from underneath the apparatus (10) when the device is attached to the t-top. Instead, the apparatus (10) hangs from the straps (82) that are attached to the t-top. Furthermore, the '899 patent does not correct this deficiency because it also fails to disclose, teach, or suggest this feature/limitation/element.

Therefore, Applicants respectfully submit that independent claim 19 is patentable over the '294 application and the '899 patent for at least the reason that the references fail to disclose, teach, or suggest these limitations/features/elements. Dependent claims 20 - 23 (which depend from independent claim 19) are also patentable over the '294 application and the '899 patent for at least the reason that these claims include all of the features/limitations/elements of the corresponding base claim. Accordingly, Applicants

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respectfully request that the rejection of claims 19 - 23 be withdrawn and the claims be allowed.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 - 14 and 16 - 23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 804-9080.

Respectfully submitted,



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